

TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION

Form DS1402



Project Name: **FALCON'S REST PUD**

Case Number: **PLD2004-00067, PUD2004-00003, BLA2004-00043
SEP2004-00123, EVR2004-00060, MZR2004-00138**

Location: The intersection of NW 36th Avenue and NW 122ND Street, a portion of Tax Lot 13 (187767) and a portion of Tax Lot 76 (188267), in the SE ¼ of Section 29, Township 3 North, Range 1 East of the Willamette Meridian.

Request: The applicant is proposing to subdivide approximately 6.4 acres into 73 single-family attached lots in the R1-7.5 and R-18 Zoning Districts.

Applicant: Braemark, LLC
P. O. Box 10624
Portland, OR 97296
(503) 317-2505

Contact Person: Olson Engineering, Inc.
Attn.: Kurt Stonex & Camille Goodin
1111 Broadway
Vancouver, WA 98660
(360) 695-1385, E-mail: Camilleg@olsonengr.com

Property Owner(s):

Braemark, LLC P. O. Box 10624 Portland, OR 97296	Deborah Shorten 2835 SE Tolman St. Portland, OR 97202
The Estate of Ronald Melvin P. O. Box 484 Wrangell, AK 99929	John Bannan 3805 NE 122 nd Street Vancouver, WA 98685

RECOMMENDATION

Approve subject to Conditions of Approval

Team Leader's Initials: _____ **Date Issued:** October 25, 2004

Public Hearing Date: November 9, 2004

County Review Staff:

	<u>Name</u>	<u>Phone Ext.</u>	<u>E-mail Address</u>
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Comp Plan Designation: Urban Low (UL) & Urban Medium Density Residential (UM),

Zoning: R1-7.5 & R-18

Applicable Laws:

Clark County Code Chapter 40.350 (Transportation), 40.350.020 (Concurrency), 40.380 (Storm Water Drainage and Erosion Control), 15.12 (Fire Code), 40.570.080 (SEPA), 40.570.080 (C) (3) (k) (Historic & Cultural Preservation), 40.540.040 (Land Division Ordinance), 40.520.080 (Planned Unit Development), 40.220.010 (Single-Family Residential Districts, R1-7.5), 40.220.020 (Residential District, R-18), 40.610 (Impact Fees), 40.370.010 (D) (Sewer Connection), 40.370.020 (D) (Water Connection), 40.440 (Habitat Conservation Ordinance), 40.500 (Process), RCW 58.17 (State Land Division Laws)

Neighborhood Association/Contact:

Felida Neighborhood Association
Michele Cotner, President
3711 NW 134th Circle
Vancouver, WA 98685

Time Limits:

The application was submitted and determined to be counter-complete on July 30, 2004. The application was determined to be fully complete on August 31, 2004 (see Exhibit No.8). At the request of the applicant, the application was placed on hold for 11 days to resolve some legal issues. Therefore, the county code requirement for issuing a decision within 92 days will lapse on December 1, 2004. The State requirement for issuing a decision within 120 calendar days will lapse on December 28, 2004.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on April 29, 2004. The pre-application was determined to be contingently vested as of April 2, 2004.

The fully complete application was submitted on July 30, 2004, and determined to be fully complete on August 31, 2004. Given these facts the application is vested on April 2, 2004. There are no disputes regarding vesting in this matter.

Public Notice:

Notice of application and public hearing was mailed to the applicant, property owners within 300 feet of the site and Felida Neighborhood Association, on September 4, 2004 (see Exhibit No. 10). One sign was posted on the subject property and two within the vicinity on October 25, 2004. Notice of the SEPA Determination and public hearing was published in "The Columbian" newspaper on October 25, 2004.

Public Comments:

The county did not receive any correspondence from the public regarding this application.

Project Overview

The applicant is requesting a preliminary plat approval to subdivide approximately 6.24 acres into 73 single-family residential lots in the R1-7.5 and R-18 zoning districts using the planned unit development standards (PUD), CCC 40.520.080. The western 2.7 acres of the site are zoned R1-7.5; and was boundary-line adjusted out of Tax Lot 76 (188267-000) [see Exhibit 6, Tab Legal Lot for BLA2004-00043 review). The eastern 3.5 acres are zoned R-18.¹

The R1-7.5 Zoning District permits the development of a single-family dwelling as an outright permitted use. The code provides for a minimum density of 4.1 dwellings units and a maximum density of 5.8 dwellings units per acre (see Table 40.220.010-2, Lot Requirements).

The R-18 Residential District permits medium density residential development in the county ranging from a minimum density of 12 dwelling units per acre and a maximum density of 18 dwelling units per acre (see Table 40.220.020-2 (Lot Requirements).

¹ A portion of Tax Lot 13 (187767) lying north of NW 122nd Street is zoned C-3 and is separated from the development site to the south.

A planned unit development (PUD) is permitted in the R1-7.5 and R-18 districts, per Table 40.220.010-1 (1) (l) and Table 40.220.020-1 (1) (n), respectively, subject to the provisions of CCC 40.520.080. (See Land Use Finding 5 for additional information)

The following Table 1 shows the comprehensive plan designation, zoning, and current land use on the site and on the abutting properties:

Table 1: Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	Urban Medium (UM), Community Commercial (CC) and Urban Low (UL)	R-18, R1-7.5 and C-3	The site slopes southerly and easterly forming a depression in the southeast corner. The remainder of the property is partially flat with rolling hills sloping southerly. There are evergreen trees on the property with grass and shrubs.
North	Urban Low Density Residential (UL) and Community Commercial (CC)	R1-10 and C-3	NW 122 nd Street, mostly vacant commercial property with grass, a building on Tax Lot 32 (187782-000), Felida Community Park entrance, and a single-family dwelling on Tax Lot 3 (188210-000).
East	UL	R1-10	NW 36 th Avenue; and Columbia Gardens, a residential housing development.
South	UL	R1-7.5	Residential home sites on fairly large lots.
West	UL	R1-7.5	Residential home sites on fairly large lots.

The USDA Soil Conservation Service, Soil Survey of Clark County, Washington, 1972, classifies the soils at this site as those of Hillsboro silt loam (HoA, HoB) on slopes ranging from 0 to 8 percent. Maps from Clark County's GIS Mapping System do not indicate that the site contains any environmental constraints.

The property is located within the City of Vancouver's urban growth area (UGA). It is situated in an area served by Fire Protection Districts 6, Vancouver School District, Hazel Dell Traffic Impact Fees District, and Parks Improvement District 9. Clark Public Utilities provides public water and Hazel Dell Sewer District provides sewer service in the area.

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Then staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE - Zoning:

Planned Unit Development (CCC 40.520.080)

Approval Criteria

CCC 40.520.080 establishes the standards and general requirements for a planned unit development (PUD) review, and stipulates that 5 specific findings must be made prior to a PUD approval in the county. Staff finds that the proposed PUD can comply with the applicable standards and requirements per CCC 40.520.080 (E), and the approval criteria per CCC 40.520.080 (F) because:

Approval criterion 1

The site is adequate in size and shape to accommodate the proposed use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required to ensure that the proposed use is compatible with the neighborhood land uses

Finding 1

Staff finds that the development site comprises two tax lots of record totaling approximately 6.2 acres. The easterly parcel is approximately 3.5 acres zoned R-18; and the westerly parcel is approximately 2.7 acres, which has been boundary line adjusted from Tax Lot 76 (188267-000), and zoned R1-7.5. (See Table 2, p. 7 for additional information) The preliminary landscaping Plan (Exhibit 5, Sheet 3 of 4) and the additional perimeter landscaping proposed, would, when implemented, provide adequate screening to support this development. The applicant is providing open spaces (Tracts "B" and "C"), paved pedestrian paths connecting the development to NW 36th Avenue and NW 122nd Street (Tracts "A" and "B"), a community Garden (Tract "D") and a Club House and Pool (Tract "E"). These facilities, when implemented, will draw

the residents together and create a community ambiance in Falcon's Rest. The open spaces (Tracts "A", "B", "C", "D", and "E") shall be owned and maintained by the home owners association of Falcon's Rest Subdivision PUD. The applicant shall establish a covenant, conditions, and restrictions (CC & R's) stating this. (See condition of approval A-1)

Finding 2

The preliminary plat (Exhibit 5, Sheet 2 of 4) and the narrative (Exhibit 6, Narrative tab) show that the applicant is proposing the following lot and set back dimensions for this development:

1. Minimum lot area --- 1,800 square feet
2. Minimum lot width --- 25 feet
3. Minimum lot depth --- 50 feet
4. Front yard setback for the house --- 10 feet
5. Front yard set back for the garage --- 18 feet
6. Street side yard --- 10 feet
7. Interior side yard --- zero to 5 feet
8. Rear yard set back --- 5 feet
9. Maximum building height --- 35 feet. (See condition of approval D-1)

Staff finds that to ensure traffic and pedestrian safety, the street side yard for Lot 8, Lot 9, Lot 57 and Lot 58 should be 10 feet and the interior side yard setback for all lots should be zero to 8 feet, or as may be approved by the Fire Marshal or a designee, consistent with the International Building and Fire Codes as adopted by Clark County. (See condition of approval D-2)

Finding 3

The applicant shall provide perimeter landscaping plan (see Exhibit 5, Sheet 3 of 4) along the southern boundary of Lot 25, Lot 26, Lot 27, Lot 28 and Lot 29, along the western boundary, and along the eastern section of the of the site bordering Tax Lot 76 (188267) a to further the comprehensive plan policy to ensure aesthetics and compatible land uses in the neighborhood. (See conditions of approval A-2 and C-1)

Approval criterion 2

The site relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use. Adequate public utilities are available to serve the proposal.

Finding 4

Staff finds that the development will not have any potential adverse impacts in the neighborhood because the applicant has proposed public street connections. The applicant proposes to construct NW 39th Avenue to connect NW 122nd Street. The applicant also proposes to construct NW 121st Circle that terminates in a cul-de-sac easterly, and NW 40th Court that terminates in a half-radius cul-de-sac to the south. Staff further finds that these streets, when developed, would provide adequate traffic cross circulation in the area. This finding does not require a condition of approval.

Approval criterion 3

The proposed use will have no significant adverse effect on abutting property or permitted use thereof.

Finding 5

Staff finds that the proposed use will have no significant adverse effect on abutting property or permitted uses in the area. The applicant is proposing single-family housing on small lots, similar in use to those already developed in the area. Even though the abutting property to the north is zoned community commercial (C-3), the applicant is proposing an appropriate L3 landscaping scheme within a 10 foot buffer width per Table 40.320.010-1 (Landscaping Standards) to screen this development from the commercial site.

The proposed density complies with the density guidelines in Table 40.220.010-2 for the western section of the site zoned R1-7.5; and Table 40.220.020-2 for the eastern section zoned R-18. Table 2 shows that of the approximately 6.24 acres, approximately 1.85 acres will be dedicated as right-of-way for public road improvement. The table also shows that the net developable land is approximately 4.85 acres, which could be divided into a maximum of 64 lots or a minimum of 43 lots; but the applicant is proposing 73 lots in this PUD.²

Table 2: Habitat/Open Space, ROW, and Density

Zone	Gross acres	ROW in acres	Net acres	Gross density	Net density	Proposed density
R1-7.5	2.7	.85	1.85	15 - 11	10 - 7	29
R-18	3.5	.50	3.0	63 - 42	54 - 36	44
<u>Total</u>	<u>6.24</u>	<u>1.35</u>	<u>4.85</u>	<u>78 - 53</u>	<u>64 - 43</u>	<u>73</u>

Staff finds that the proposed density exceeds by 9 lots (or 14 percent), the maximum density that can be approved on this project site, based upon the net developable acreage. Staff finds that the applicant is providing some unique features that create centripetal spaces in this development. These features include the paved meandering pedestrian trails, open spaces, a community garden, a club house and pool, which warrant a 14 percent increase in density per CCC 40.520.080 (D) (2). The applicant has provided a building envelope on each lot to ensure that the proposed houses would foster and enhance neighborhood compatibility (see Exhibit 5, Sheets 2 of 4 and 3 of 4).

The applicant is providing lots of various sizes to ensure the construction of a variety of housing stocks and providing housing choices to consumers in a range of income brackets, thereby furthering the policies of the comprehensive plan regarding the provision of affordable housing in Clark County. This finding does not require a condition of approval.

² Density is based on the number of lots per the gross acreage minus land dedicated for public right-of-way.

Approval criterion 4

The establishment, maintenance, and/or conduct of the use for which the development plan review is sought will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, or welfare of persons residing or working in the neighborhood of such use and will not under the circumstances of the particular case, be detrimental to the public welfare, injurious to property or improvements in the neighborhood; nor shall the use be inconsistent with the character of the neighborhood or contrary to its orderly development.

Finding 6

Staff finds that the applicant will make the necessary improvements needed to connect the proposed development to public water and sewer systems to mitigate any potential public health impacts. The utility reviews from Clark Public Utilities and Hazel Dell Sewer District indicate that adequate capacities exist in the area to connect this development to public water and sewer services. The open space will provide some recreation opportunities in the area, and mitigate potential negative impacts to the public and persons residing or working in the neighborhood. This finding does not require a condition of approval.

Approval criterion 5

The applicant has proposed unique or innovative design concepts to further specific policies of the comprehensive plan.

Finding 7

The development can comply with the comprehensive plan policy regarding recreation opportunities in the county. The design of this plat is in some ways innovative. First, the applicant is providing a community club house and pool with this development. Secondly, the applicant is providing a community garden, a feature that will attract community gardeners to the development. Thirdly, the applicant is providing open spaces with short trails in this development. These features, will, when implemented, provide opportunities for both passive and active recreation to the residents in the area.

CRITICAL AREAS:

Clark County's GIS Mapping System does not indicate any sensitive areas on this site.

TRANSPORTATION CONCURRENCY:

The applicant's traffic study has estimated the weekday AM peak hour trip generation at 32 new trips, while the PM peak hour trip generation is estimated at 38 trips. The following paragraphs document two transportation issues for the proposed development.

Issue #1: Concurrency

The applicant submitted a traffic study for this proposal in accordance with CCC 40.350.020B and is required to meet the standards established in CCC 41.350.020G for corridors and intersections of regional significance. The County's Traffix™ model includes the intersections of regional significance in the area and the County's model was used to evaluate concurrency compliance.

Site Access

Finding 1:

Level of Service (LOS) standards are not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur at the site access to the arterial and collector network (NW 122nd Street). The access appears to maintain acceptable LOS.

Operating LOS on Corridors

Finding 2:

The proposed development was subject to concurrency modeling. The modeling results indicate that the operating levels comply with travel speed and delay standards. The applicant should reimburse the County for costs incurred in running the concurrency model. (See condition A-3)

Concurrency Compliance

The proposed development complies with the Concurrency Ordinance CCC 40.350.020.

Issue 2: Safety

Where applicable, a traffic study shall address the following safety issues:

- Traffic signal warrant analysis,
- Turn lane warrant analysis,
- Accident analysis, and
- Any other issues associated with highway safety.

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 40.350.030(B)(6) The code states that “nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Section 40.350.020 or a significant traffic or safety hazard would be caused or materially aggravated by the proposed development; provided, that the applicant may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020.”

Traffic Signal Warrants

Finding 3:

Signal warrants are not met at any of the subject intersections analyzed in the applicant's traffic study.

Turn Lane Warrants

Finding 4:

Turn lane warrants are evaluated at un-signalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway. The applicant's traffic study analyzed the roadways in the local vicinity of the site to determine if turn lane warrants are met. Turn lane warrants were not met at any of the un-signalized intersections analyzed in the applicant's traffic study; therefore, mitigation is not required.

Historical Accident Situation

Finding 5:

The applicant's traffic study analyzed the accident history at the regionally significant intersections; however, all of the historical accident rates at these intersections are below 1.0 accident per million entering vehicles. Therefore, mitigation by the applicant is not required.

Traffic Controls during Construction

Finding 6:

During site development activities, the public transportation system (roadways, sidewalks, bicycle lanes, etc.) may be temporarily impacted. In order to minimize these impacts and coordinate work occurring in the public right-of-way, the applicant will need to prepare and have approved a Traffic Control Plan. (See condition B-2)

The applicant shall maintain all existing signs within the public right of way within the limit of the development's construction until the public roads have been accepted by the County. The developer shall install and maintain temporary signs where the development's signing and striping plan shows new or modified warning or regulatory signs. New or modified temporary signing shall be installed when any connection is made to the public road network. The developer shall remove the temporary signs immediately after the County installs the permanent signing and striping.

TRANSPORTATION:

Pedestrian/Bicycle Circulation

Finding 1

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required in accordance with the provisions of Section CCC 40.350.010. The proposed development plans show 6-foot wide existing sidewalks along the frontages on NW 36th Avenue. The proposed improvements include construction of sidewalk along the frontage on NW 122nd Street and the onsite road extensions. The site plan shows walk paths connecting the sidewalks along onsite roads with the sidewalks along NW 36th Avenue and NW 122nd Street. Existing improvements along the frontage on NW 36th Avenue accommodate bike lanes. Bike lanes are not required for urban access roads. Based on this information, the proposed pedestrian/bicycle circulation complies with the provisions of Section CCC 40.350.010.

Circulation Plan

Finding 2

In accordance with Section CCC 40.350.030(B) (2), the purpose of the circulation plan is to ensure access to the proposed development and to provide adequate cross-circulation in a manner, which allows subsequent developments to meet the cross-circulation standards.

NW 36th Avenue, abutting the development to the east, and NW 122nd Street abutting the property on the north are the primary north-south and east-west circulator roads in the area. The proposed onsite road extensions through the site and connectivity with the existing roadway system in vicinity of the proposed development provide adequate cross-circulation in the area. Staff finds that this project complies with the circulation

plan; therefore, the requirements of circulation plan in compliance with Section CCC 40.350.030(B) (2) are satisfied.

Roads

Finding 3

NW 36th Avenue is classified as a 2-lane principal arterial road with center-turn lane and bike lanes (Pr-2cb). The minimum half-width right-of-way dedication and frontage improvements along this road in accordance with CCC Table 40.350.030-2 and Standard Details Manual, Drawing #5A, include:

- A minimum half-width right-of-way of 40 feet
- A minimum half-width roadway of 23 feet
- Curb/gutter and a minimum detached sidewalk width of 6 feet
- Landscaping per Section 'G' of Standard Details Manual

The Applicant proposes to dedicate an additional 10-foot right-of-way. The existing improvements consisting of partial-width roadway of 20 feet and curb-tight sidewalk do not comply with the provisions of CCC 40.350. The Applicant has requested approval of road modifications to retain the existing curb-tight sidewalk and to waive the requirement for additional pavement widening along the frontage on NW 36th Avenue. (See Condition A-4; and Transportation Finding 11)

Finding 4

NW 122nd Street is shown on the West Felida Circulation Plan. This road is required to have a 28-foot wide curb-to-curb pavement with parking on one side only. At a minimum, dedication and improvements along the frontage of this road shall be consistent with "Urban Local Residential Access" road standards. The minimum half-width right-of-way dedication and frontage improvements along this road in accordance with CCC Table 40.350.030-4 and Standard Details Manual, Drawing #14, include:

- A minimum half-width right-of-way of 23 feet
- A minimum half-width roadway of 14 feet
- Curb/gutter location
- Minimum sidewalk width of 5 feet (see Condition A-5).

Finding 5

NW 39th Avenue is classified as a "Local Residential Access" road. The right-of-way dedications and frontage improvements for this road in accordance with CCC Table 40.350.030-4 and the Standard Details Manual, Drawing #14 include:

- A minimum width right-of-way of 46 feet
- A minimum width roadway of 28 feet
- Curb/gutter and a minimum sidewalk width of 5 feet

Finding 6

NW 121st Circle is classified as a "Local Residential Access" road. The right-of-way dedications and frontage improvements for this road in accordance with CCC Table 40.350.030-4 and the Standard Details Manual, Drawing #14 include:

- A minimum width right-of-way of 46 feet
- A minimum width roadway of 28 feet
- Curb/gutter and a minimum sidewalk width of 5 feet
- The proposed cul-de-sac at the easterly terminus shall be constructed with a minimum pavement of 35-foot radius, rolled curb, and 5-foot thickened sidewalk within a minimum of 40-foot radius right-of-way.

Finding 7

NW 40th Court is classified as a “Local Residential Access” road. The right-of-way dedications and frontage improvements for this road shall be in accordance with CCC Table 40.350.030-4 and the Standard Details Manual, Drawing #14. The project proposes to improve the northern portion of this road within a right-of-way width of 46 feet with paved roadway width of 28 feet, curb/gutter, and a minimum sidewalk width of 5 feet on both sides. The southern portion of the site will be improved within a 30-foot partial-width right-of-way with a partial width roadway of 20 feet and sidewalk on the west side. The road terminates in a non-standard cul-de-sac. However, staff finds that the proposed turnaround adequately provides for emergency vehicle turnaround until such time when the improvements for this road are completed by the future development to the southeast of the road.

Finding 8

The project proposes an “Urban Infill A” road to serve lots 14, 15, 16, and 18. The proposed easement and improvements for this road complies with the Standard Details Manual, Drawing #17. (See Plat Note D-17)

Access Management

Finding 9

In compliance with section CCC 40.350.030(B) (4) (d), direct driveway access onto NE 36th Avenue will be prohibited since access onto the local access roads can be provided. (See Plat Note D-15)

Intersection Design

Finding 10

The intersections shall be designed and constructed in accordance with provisions of Section CCC 40.350.030(B) (7) and the requirements set forth in CCC Table 40.350.030-4. In accordance with CCC 40.350.030(B) (4) (d), the minimum full paved-width of NW 122nd Street shall be 36 feet at the intersection with NW 36th Avenue and may taper back as approved. The project shall dedicate and construct partial-width road to accommodate a future 36-foot full-width pavement for NW 122nd Street at its intersection with NW 36th Avenue. The curb-return radii of 35 feet and ROW chord of 25 feet for intersection of NW 36th Avenue and NW 122nd Street will be required. (See Condition A-6)

NW 36th Avenue is a principal arterial road. In compliance with CCC Table 40.350.030-2, minimum full access intersection spacing along this road shall not be less than 600 feet. The existing intersections to the north and south of the proposed intersection of NE 122nd Street / NE 36th Avenue do not meeting the intersection spacing standards. Although the Applicant has no control over the existing condition, staff has raised expressed concerns that additional trips generated by this development may exacerbate

traffic safety in this location. However, the Applicant's traffic engineer has certified that the corner sight distance at this intersection is adequate and no significant safety concerns due to the substandard intersection spacing in this location has been identified.

The full access intersection spacing along arterial roads in compliance with CCC Table 40.350.030-2 shall be 500 feet. The separation between the existing intersections of NW 36th Avenue with the easterly leg and westerly leg of NW 122nd does not comply with intersection spacing standards. Although the substandard spacing between these intersections is an existing condition, staff is concerned that additional trips generated by this development may exacerbate traffic safety in this location.

Road Modification Finding 11

Approval Criteria - If a development cannot comply with the Transportation Standards, modifications may be granted in accordance with the procedures and conditions set out in CCC 12.05A.660(1)(a). The request shall meet one (or more) of the following four specific criteria:

- a. *Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the Applicant, and an equivalent alternative, which can accomplish the same design purpose, is available.*
- b. *A minor change to a specification or standard is required to address a specific design or construction problem, which, if not enacted, will result in an unusual hardship.*
- c. *An alternative design is proposed which will provide a plan equal to or superior to these standards.*
- d. *Application of the standards of the Transportation Standards to the development would be grossly disproportional to the impacts created.*

Modification Requests

A road modification application has been submitted to request approval of the following modifications:

- Approval for retaining the existing attached sidewalk and improvements along NE 36th Avenue – The narrative submitted with the road modification application indicates that the attached sidewalk can be found on both the east and west sides of the road as well to the north and south of the subject property. The improvements have been recently constructed. It is a hardship to the developer to demolish a newer sidewalk and construct a detached sidewalk in its place. The Applicant believes that the request meets the approval criteria described in Section CCC 40.550.010(A) (1) (a) and (b).
- Approval for the existing substandard paved width along NE 36th Avenue – The Applicant indicates that the existing road is consistent with those to the north and south of the site and widening the road would make it inconsistent with the current configuration. Widening the road by a mere three feet would result in a

hardship. The Applicant believes that the request meets the approval criteria described in Section CCC 40.550.010(A) (1) (a) and (b).

Staff's Evaluation

The county Arterial Atlas requires detached and meandering sidewalk along the arterial roadways. However, the county has completed the improvements consisting of a curb-tight sidewalk and 20-foot half-width paved roadway along NW 36th Avenue. Reconstruction of this segment of sidewalk located in a detached and meandering manner would be incompatible with the existing improvements. The relocation of the existing sidewalk may require relocation of the existing utilities. Staff concurs with the Applicant that there are no benefits in widening the roadway for additional three (3) feet and reconstruct a detached sidewalk along the property frontage. Therefore, staff concurs with the Applicant that the requests to retain the existing curb-tight sidewalk and the existing pavement width along NW 36th Avenue meet the approval criteria described in Section CCC 40.550.010(A)(1)(a) and (b).

Staff Recommendations

Based upon the above findings and the approval criteria, staff recommends Approval of the existing attached sidewalk and existing roadway improvements along NW 36th Avenue.

Conclusions (Transportation)

Based upon the development site characteristics, the proposed transportation plan, the requirements of the County's transportation ordinance, and the findings above, staff concludes that the proposed preliminary transportation plan subject to Conditions A-4 through A-6, and Plat Note D-15, meets the requirements of the county transportation ordinance.

STORMWATER and Erosion Control:

Approval Criteria

Finding 1

Stormwater and Erosion Control Ordinance (CCC 40.380) apply to development activities that result in 2,000 square feet or more of new impervious area within the urban area and the platting of single-family residential subdivisions in an urban area. This project will create more than 2000 square feet of new impervious surface and involves platting of single-family residential subdivision. Therefore, this development shall comply with the Stormwater and Erosion Control Ordinance (CCC 40.380).

In accordance with CCC 40.380.040(C)(5), stormwater can be discharged directly into Lake River without quantity control, if the runoff is conveyed through a pipe or other approved discharge structure.

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.050. This project is subject to the erosion control ordinance.

Stormwater Proposal

Finding 2

The project proposes to collect and route runoff from the site to Lake River via an existing storm pipe in NW 122nd Street without detention. The project proposes to

achieve the required stormwater water quality control by utilizing an underground filter system (Stormwater Management StormFilter™) and a biofiltration swale before releasing the runoff into the pipe system that discharges to Lake River. The proposed water quality facilities are accepted for standard treatment by the county stormwater ordinance. The report indicates that where necessary, level spreaders will be utilized to eliminate the concentration of stormwater onto neighboring properties. The facilities will be dedicated to the county for public maintenance.

Site Conditions and Stormwater Issues

Finding 3

Section CCC 40.380.040(C)(5) of the ordinance exempts quantity control, provided, runoff from the development site directly enters River Lake through a pipe, all runoff is treated per Section CCC 40.380.040(B), and a discharge structure is designed to avoid erosion during all storms up to the 100 year storm.

The majority of the site has slopes of 0% to 5% and contains field grass, shrubs, trees, graveled area, and an outbuilding. The project proposes 1.71 acres of roof area and 1.60 acres of impervious area due to paved surfaces, sidewalks, and driveways.

The 1972 soil survey of Clark County published by USDA, SCS shows the site to be underlain by Hillsboro loam (HoB & HoB) classified by AASHTO as soils with the designation of A-4 soils. These soils are designated as hydrologic group "B". In accordance with the provisions of CCC13.29.310(C) (1), A-4 soils as defined in AASHTO Specification M145 are not suitable for infiltration. The Applicant has made efforts to explore the potential for infiltration, as it is a preferred method for stormwater disposal. However, the test results are not favorable and do not support the feasibility of stormwater disposal via infiltration. No groundwater was encountered to the exploration depths of 10 feet.

An offsite analysis extending a minimum of one-fourth of a mile downstream from the development site in compliance with the provisions of Section CCC 40.380.040(B)(2) shall be performed to ensure that the additional runoff from this development does not adversely impact the downstream. (See Condition A-7)

The report indicates that the existing storm sewer in NW 122nd Street drains directly to Lake River and was designed to accommodate the flows from this site following the development. The Applicant will be required to submit information with the Technical Information Report that shows the existing conveyance system is sized to receive additional runoff from this development and that no adverse impacts will be caused by runoff from this development. (See Condition A-8)

Conclusion (Stormwater)

Based upon the development site characteristics, the proposed stormwater plan, the requirements of the County's stormwater ordinance, and findings above, staff concludes that the proposed preliminary stormwater plan, subject to conditions 4 and 8, is feasible.

FIRE PROTECTION:

Fire Marshal Review

Fire Protection Finding 1:

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Building Construction

Fire Protection Finding 2:

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (see condition of approval A-9).

Fire Flow

Fire Protection Finding 3:

Fire flow in the amount of 2,250 gallons per minute at 20 pounds per minute (psi) supplied for 60 minutes duration is required for this application. A utility review from the water purveyor indicates that the required fire flow is available at the site. Additions to water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval (see condition of approval A-10).

Fire Marshal Review

Fire Protection Finding 4:

Fire hydrants are required for this application. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads (see condition of approval A-11).

Fire Marshal Review

Fire Protection Finding 5

Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact the Fire District 6 at (360) 576-1195 to arrange for location approval. The applicant shall provide and maintain a six-foot clear space completely around every fire hydrant (see conditions of approval A-12).

Fire Apparatus Access

Fire Protection Finding 6:

Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application meet the requirements of the Clark County Road Standard. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. (See condition of approval C-2).

Fire Apparatus Turnarounds

Fire Protection Finding 7:

Approved fire apparatus turnarounds are required for this project. The indicated provisions for turning around fire apparatus are adequate.

Fire Protection Finding 8:

Parallel parking is prohibited on streets that are less than twenty-four (24) feet wide. Streets that are less than twenty-four (24) feet wide shall be posted "NO PARKING". (See condition of approval C-3)

WATER & SEWER SERVICE:

Finding 1

The Clark Public Utilities provides potable water and Hazel Dell Sewer District provides public sewer services in the area. Letters from both utility districts confirm that the services are available to serve this development.

Finding 2

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (if applicable). (See condition of approval E-5).

Finding 3

Advisory only: The existing wells and/or septic systems shall be abandoned. Submittal of an acceptable "Health Department Final Approval Letter" to the county is required at the time specified in the evaluation letter. (See condition of approval E-5).

Finding 4

Advisory only: If underground storage tanks exist on the property, they must be identified and decommissioned consistent with the Uniform Fire Code under permit from the Fire Marshal. Any leaks or contamination must be reported to Washington State Department of Ecology, and proof of removal or abandonment (of the tank) must be submitted to the Health Department prior to final plat recording. (See condition of approval A-13)

IMPACT FEES:

Finding 1

The site is located in Park Impact Fee (PIF) District 9, Evergreen School District Impact Fee (SIF), and Orchards Traffic Impact Fee (TIF) district.

The following note shall be placed on the final plat stating that:

"In accordance with CCC 40.610, park, school, and traffic impact fees for each of the proposed 73 new single-family dwellings in this subdivision are:

1. \$2,016.00 PIF (made up of \$1,576.00 acquisition fee, and \$440.00 development fee) per new single-family dwelling in Park District 9;
2. \$1,725.00 SIF per new single-family dwelling in Vancouver School District; and,
3. \$1,325.92TIF per new single-family dwelling in Hazel Dell Traffic Impact Fee District.

"The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated [REDACTED], and expiring on [REDACTED]. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedules." (See condition of approval B-2)

SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval and, therefore, requiring the preparation of an Environmental Impact Statement (EIS);
- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be addressed through conditions of approval), or;
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

Determination:

Determination of Non-Significance (DNS): Clark County, as lead agency for review of this proposal, has determined that this proposal does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030 (2) (e). This decision was made after review of a completed environmental checklist and other information on file with the County.

Date of Publication & Comment Period

Publication date of this DNS is October 25, 2004, and is issued under WAC 197-11-340. The lead agency will not act on this proposal until the close of the 14-day comment period, which ends November 8, 2004.

Public Comment Deadline:

November 8, 2004

SEPA Appeal Process:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$186**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 18.600.100 (A) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

Staff Contact Person: Michael Uduk, (360) 397-2375, ext. 4385.
Krys Ochia, (360) 397-2375, ext. 4834.

Responsible Official:

Michael V. Butts

Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011
Web Page at: <http://www.co.clark.wa.us>

RECOMMENDATION

Based upon the proposed plan (identified as Exhibits 5), and the findings and conclusions stated above, staff recommends the Hearings Examiner **APPROVE** this request, subject to the understanding that the applicant is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval:

Conditions of Approval

A Conditions that must be met prior to Final Plat approval and recording; or if improvements are approved by the county for bonding or other secure method, such conditions shall be met prior to issuance of Building Permits per CCC, Sections 12.05A.770(10) & (11) and 13.029.370.

Land Use – Zoning

- A-1** The applicant shall establish covenants, conditions and restrictions (CC & R's) to be approved by the county's prosecuting attorney creating a home owner's association for the purposes of maintaining the open spaces, trails, club house and pool and community garden. (See Land Use Finding 1)
- A-2** The applicant shall provide a building envelope indicating the location of the building on each lot. (See Land Use Finding 3)

Concurrency

- A-3** The applicant shall reimburse the County for the cost of concurrency modeling incurred in determining the impact of the proposed development, in an amount not to exceed \$1,000. The reimbursement shall be made prior to final plat. (See Transportation Concurrency Finding # 2)

Transportation

- A-4** The Applicant shall dedicate an additional right-of-way to provide a half-width-right of way of 40 feet along the frontage on NE 36th Avenue. Landscaping shall be installed along the frontage of this road. **See Transportation Finding 3**
- A-5** The Applicant shall install "NO PARKING" signs along the frontage on NE 122nd Street. The Applicant shall coordinate with the county Public Works staff to

determine whether north or south side of the street should be a no parking zone. **See Transportation Finding 4**

- A-6** The project shall dedicate and construct partial-width road to accommodate a 36-foot full-width pavement for NW 122nd Street at its intersection with NW 36th Avenue. The curb-return radii of 35 feet and ROW chord of 25 feet for intersection of NW 36th Avenue and NW 122nd Street will be required. **See Transportation Finding 10**

Stormwater and Erosion Control

- A-7** An offsite analysis extending a minimum of one-fourth of a mile downstream from the development site in compliance with the provisions of Section CCC13.29.305 (B) will be required. **See Stormwater Finding 3**
- A-8** The Applicant will be required to submit information with the Technical Information Report that shows the existing conveyance system is sized to receive additional runoff from this development and that no adverse impacts will result due to runoff from this development. The Applicant will be responsible for any modification requirements that may be triggered by this development. **See Stormwater Finding 3**

Fire Protection:

- A-9** Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (see Fire Protection Finding 2).
- A-10** Fire flow in the amount of 1,000 gallons per minute at 20 pounds per square inch (psi) supplied for 60 minutes duration is required for this application. A utility review from the water purveyor indicates that the required fire flow is available at the site. Additions to water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval (see Fire Protection Finding 3).
- A-11** Fire hydrants are required for this application. The applicant shall provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads (see Fire Protection Finding 4).
- A-12** Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact the Vancouver Fire Department at (360) 696-8166 to arrange for location approval. The applicant shall provide and maintain a six-foot clear space completely around every fire hydrant (see Fire Protection Finding 5).

Water & Sewer Services - Other Health Concerns

A-13 Advisory only. If underground storage tanks exist on the property, they must be identified and decommissioned in place consistent with the Uniform Fire Code under permit from the Fire Marshal. Any leaks or contamination must be reported to Washington State Department of Ecology, and proof of removal or abandonment (of the tank) must be submitted to the Health Department prior to final plat recording. (See Water & Sewer Services Finding 4)

B. Conditions that must be met prior to issuance of Building Permits

Concurrency

B-1 Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system. (See Transportation Concurrency Finding # 6)

Impact Fees

B-2 *The following note shall be placed on the final plat stating that:*

"In accordance with CCC 40.610, park, school, and traffic impact fees for each of the 73 new single-family dwellings in this subdivision are:

1. \$2,016.00 PIF (made up of \$1,576.00 acquisition fee, and \$440.00 development fee) per new single-family dwelling in Park District 9;
2. \$1,725.00 SIF per new single-family dwelling in Vancouver School District; and,
3. \$1,325.92TIF per new single-family dwelling in Hazel Dell Traffic Impact Fee District.

"The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated [REDACTED], and expiring on [REDACTED]. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedules." (See Impact Fees Finding 1)

C. Conditions that must be met prior to issuance of Occupancy Permits

Land Use – Zoning:

C-1 The applicant perimeter landscaping and streetscape as shown on the proposed Landscape Plan for Falcon's Rest Subdivision PUD, Sheet 3 of 5 attached to this Staff Report as Exhibit 5A. (See Land Use Finding 1)

Fire Protection

C-2 Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. The applicant shall provide an unobstructed

vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus (see Fire Protection Finding 5).

- C-3** Parallel parking is prohibited on streets that are less than twenty-four (24) feet wide. Streets that are less than twenty-four (24) feet wide shall be posted "NO PARKING". (See Fire Protection Finding 8)

D. Notes Required on Final Plat

The following notes shall be placed on the final plat:

- D-1** The following lot dimensions and building set backs shall apply

1. Minimum lot area --- 1,800 square feet
2. Minimum lot width --- 25 feet
3. Minimum lot depth --- 50 feet
4. Front yard setback for the house --- 10 feet
5. Front yard set back for the garage --- 18 feet
6. Street side yard --- 10 feet
7. Interior side yard --- zero to 5 feet
8. Rear yard set back --- 5 feet
9. Maximum building height --- 35 feet. (See Land Use Finding 2)

- D-2** To safeguard public safety, the street side yard for Lot 8, Lot 9, Lot 57 and Lot 58 should be 10 feet, and the interior side yard setback for all lots should be zero to 8 feet, or as may be approved by the Fire Marshal or a designee consistent with the International Fire and Building Codes as adopted by Clark County. (See Land Use Finding 2)

D-3 Archaeological:

"If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

D-4 Mobile Homes:

"The placement of mobile homes is prohibited."

D-5 Impact Fees:

"In accordance with CCC 40.610, Park, School, and Traffic Impact Fees for each of the 73 new dwellings in this subdivision are: \$2,016.00 (\$1,576.00 - Acquisition; \$440.00 - Development for Park District 9); \$1,725.00 (Vancouver School District); and \$1,325.92 (Orchards TIF district), respectively. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated _____, and expiring on _____. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

D-6 Utilities:

"An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."

D-7 Sidewalks:

"Prior to issuance of occupancy permits, sidewalks shall be constructed along all the respective lot frontages."

D8 Critical Aquifer Recharge Areas:

"The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."

D-9 Erosion Control:

"Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."

D-10 Driveways:

"No direct access is allowed onto the following streets: NW 36th Avenue."

D-11 Driveways:

"All residential driveway approaches entering public roads are required to comply with CCC 40.350."

D-12 Private Roads:

"Clark County has no responsibility to improve or maintain the private roads contained within or private roads providing access to the property described in this plat. Any private access street shall remain a private street unless it is upgraded to public street standards at the expense of the developer or adjoining lot owners to include hard surface paving and is accepted by the County for public ownership and maintenance."

D-13 Driveways:

"All residential driveway approaches entering public roads are required to comply with CCC 40.350."

E. Standard Conditions

This development proposal shall conform to all applicable sections of the Clark County Code. The following conditions shall also apply:

Land Division:

- E-1** Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.
- E-2** Prior to recording the final plat, the applicant shall submit a copy of the approved landscape plan(s) for any public right-of-way (if applicable) with a letter signed and stamped by a landscape architect licensed in the state of Washington certifying that the landscape and irrigation (if any) have been installed in accordance with the attached approved plan(s) and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site.

Final Construction Plan Review:

- E-3** Prior to construction, the applicant shall submit and obtain county approval of a final stormwater plan designed in conformance to CCC 40.380.
- E-4** Prior to construction, the applicant shall submit and obtain county approval of a final transportation design in conformance to CCC 40.350.

Water Wells and Septic Systems:

- E-5** Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Well/Septic Abandonment Letter" must be submitted, then the Evaluation Letter will specify when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to the Issuance of an Occupancy Permit).
- E-6 Pre-Construction Conference:**
Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.
- E-7 Erosion Control:**
Prior to construction, the applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.
- E-8 Erosion Control:**
For land divisions, a copy of the approved erosion control plan shall be submitted to the Chief Building Official prior to final plat recording.
- E-9 Erosion Control:**
Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- E-10 Erosion Control:**
Erosion control facilities shall not be removed without County approval.

E-11 Transportation:

Prior to construction, the applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350.

E-12 Excavation and Grading:

Excavation/grading shall be performed in compliance with Appendix Chapter J of the 2003 International Building Code (IBC).

E-13 Excavation and Grading:

Site excavation/grading shall be accomplished, and drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

E-14 Erosion Control:

Erosion control facilities shall not be removed without County approval.

E-15 Excavation and Grading:

Excavation/grading shall be performed in compliance with Appendix Chapter J of the 2003 International Building Code (IBC).

E-16 Excavation and Grading:

Site excavation/grading shall be accomplished, and drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

E-17 Landscaping:

Prior to recording the final plat, the Applicant shall submit a copy of the approved landscape plan(s) for any public right-of-way (if applicable) with a letter signed and stamped by a landscape architect licensed in the state of Washington certifying that the landscape and irrigation (if any) have been installed in accordance with the attached approved plan(s) and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site.

Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a hearing extension and pay half the original review fee with a maximum fee of \$5,000.

**HEARING EXAMINER DECISION
AND APPEAL PROCESS**

This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

An **appeal** of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

The appeal shall be filed with the Board of County Commissioners, Public Service Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the final land use decisions shall be in writing and contain the following:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied, on to prove the error; and,
4. A check in the amount of **\$279** (made payable to the Clark County Board of County Commissioners).

Attachments:

- Copy of SEPA Checklist
- Copy of Vicinity Map
- Copy of Proposed Preliminary Plan
- Exhibit List

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street**

P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>